

REMARKS

Applicant respectfully requests reconsideration of the application.

Claims 9 and 16 are rejected under 35 U.S.C. Section 101 as being directed to non-statutory subject matter. These claims are amended to refer to a computer readable medium. The term “computer” is not intended to be limiting, but instead broadly encompasses devices with computing capability, including but not limited to, telephones, PDAs, client and server devices, etc.

Claims 1-9 are rejected under 35 U.S.C. 112 Second paragraph, as being indefinite. The Office contends that the “filtered signal” in claim 1 and “residual signal” in claim 2 have insufficient antecedent basis. Applicant respectfully submits that the “filtered signal” has antecedent basis in the phrase, “filtering the watermarked media signal.” Nevertheless, amended claim 1 has different claim language that renders this issue moot. Similarly, claim 2 has alternative language that renders the issue moot.

Claims 1-5 and 9-16 are rejected under 35 U.S.C. Section 102(b) as being anticipated by US Patent No. 6,037,984 to Isnardi et al. (“Isnardi”).

Claims 6-8 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Isnardi.

Claims 1-5 and 9-16 are not anticipated by Isnardi

Isnardi does not teach “filtering the watermarked media signal to leave a residual signal from which a digital watermark is decoded.” The cited passage at col. 7, lines 5-7, refers to processing steps for decoding of an MPEG bitstream to produce a block of quantized DCT coefficients containing watermark information. These processing steps do not correspond to “filtering audio or visual information of the watermarked media signal to leave a portion of the audio visual information representing a residual signal from which a digital watermark is decoded” as claimed. These processing steps remove non picture data, namely the header, and reconstruct the quantized DCT coefficients through variable length decoding and run-length decoding, both of which are lossless processes.

In addition, the elements of Fig. 6 in Isnardi form a decoder 600. Isnardi does not teach: “sending the residual signal to a remote system separate from the first device for extracting the digital watermark from the residual signal.” Element 604 is part of

decoder 600 and is not described as a remote system separate from a device including element 602.

Claims 2-5 are similarly patentable over Isnardi and include additional elements that distinguish them from Isnardi. There is no need to enumerate these additional distinctions because base claim 1 is not anticipated by Isnardi.

Claim 9 is patentable over Isnardi because Isnardi fails to teach or suggest: “filtering audio or visual information of the watermarked media signal to leave a portion of the audio visual information representing a residual signal from which a digital watermark is decoded” in the novel combination recited in claim 9.

Claim 10 is patentable over Isnardi because Isnardi fails to teach or suggest: “progressively sending the portions of the watermarked media signal to the remote system separate from the first device for watermark decoding, wherein progressively sending includes sending an increasing amount of the watermarked media signal to the remote system as necessary to achieve a successful decoding of a digital watermark from the watermarked media signal” in the novel combination recited in claim 10. Isnardi’s watermark remover/comparator is not a remote system separate from the first device as claimed. Isnardi does not send an increasing amount of blocks as necessary to achieve a successful decoding as claimed. Isnardi processes each block independently and zeros out certain coefficients (or not) within each block depending on whether extracted watermark values for that block match reference values. Since each block is decoded separately in Isnardi without regard to data from other blocks, sending more blocks does not effect whether watermark extraction will be successful in any particular block. Thus, Isnardi does not even remotely suggest the elements of claim 10.

Claims 11-15 are similarly patentable over Isnardi and include additional elements that distinguish them from Isnardi.

Claim 16 is patentable over Isnardi because Isnardi fails to teach or suggest: “progressively sending the portions of the watermarked media signal to the remote system for watermark decoding, wherein progressively sending includes sending an increasing amount of the watermarked media signal to the remote system as necessary to achieve a successful decoding of a digital watermark from the watermarked media signal” in the novel combination recited in claim 16.

Claims 6-8 are not obvious in view of Isnardi

Isnardi, as noted above, fails to teach fundamental aspects of the base claim 1, therefore, it also fails to teach all of the elements of claims 6-8. In addition, Isnardi fails to suggest any method for extracting a digital watermark from a watermarked signal captured by a camera or a watermarked signal (namely a sound) captured by a microphone. Isnardi's method deals with DCT coefficients in image signal compression techniques and is not generally applicable to any type of watermarked signal, contrary to the Office's assertion. There is no suggestion of the applicability of this technique to a watermarked signal captured by a camera or to sounds captured by a microphone.

In view of the above, the claims should be in condition for allowance.

Respectfully submitted,

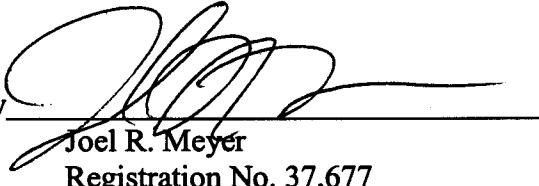
Date: May 9, 2006

DIGIMARC CORPORATION

CUSTOMER NUMBER 23735

Phone: 503-469-4800
FAX 503-469-4777

By



Joel R. Meyer
Registration No. 37,677